



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

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AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1098163**

ASHLEY BURNS

A 2102852

vs.

WALMART INC

**FILING TYPE: INITIAL FILING (OUT OF COUNTY) WITH NO JURY
DEMAND**

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VERIFY RECORD

**IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

ASHLEY BURNS
209 Johnson Flat Rd.
Hillsboro, KY 41049

Plaintiff,

vs.

WALMART INC.
Serve: CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

JOHN DOES 1-10 EMPLOYEES
c/o The Kroger Co.
2322 Ferguson Road
Cincinnati, OH 45238

and

WELLCARE HEALTH PLANS OF
KENTUCKY, INC.
Serve: Equian
26555 Evergreen Rd. STE 200
Southfield, MI 48076

Defendants.

Case No.
Judge:

**COMPLAINT FOR PERSONAL
INJURY**

Now comes Plaintiff, Ashley Burns, by and through counsel, and for her Complaint against the Defendants hereby states the following:

THE PARTIES

1. Plaintiff Ashley Burns resides at 209 Johnson Flat Rd. Hillsboro, KY 41049 and has so resided there at all times relevant herein.

2. Defendant Walmart Inc. (herein after “Walmart”) operates a store (herein after “Walmart”) located at 2322 Ferguson Road, Cincinnati, Hamilton County, Ohio, 45238, and has been doing business in the state of Ohio at all times relevant herein.
3. Defendant John Does 1-10 (Employees) (herein after “Employees 1-10”) are employees of Defendant Walmart and were employees of Defendant Walmart at all times relevant herein.
4. Defendant Wellcare Health Plans of Kentucky, Inc. (herein “Wellcare”) is a health insurance company doing business in the state of Ohio and has been doing business in the state of Ohio at all times relevant herein.

JURISDICTION AND VENUE

5. Plaintiff Ashley Burns incorporates paragraphs 1 through 4 as if fully rewritten herein.
6. The Hamilton County Court of Common Pleas has jurisdiction over and venue is proper for the claim herein as Defendants are doing business in, are domiciled in, and the events giving rise to this complaint took place in Hamilton County, Ohio.
7. Plaintiff seeks damages in excess of twenty-five thousand dollars (\$25,000.00)
8. Jurisdiction and venue are proper under OH Civ. R. 3 (C)(2), (3), and (6).

COUNT I **(John Doe Employee’s Negligence)**

9. Plaintiff Ashley Burns incorporates paragraphs 1 through 8 as if fully rewritten herein.
10. At or about October 27, 2019 Plaintiff Ashley Burns was present at Walmart located at 2322 Ferguson Road Cincinnati, Ohio 45238 as a business invitee.
11. At or about that time, Defendant John Doe Employees 1-10, who were employed by Defendant Walmart, negligently performed their duties in that they created a hazardous

Condition in the form of a puddle of liquid in or around an aisle in which Plaintiff slipped and sustained injuries.

12. As a direct and proximate result of the aforesaid negligence committed by Defendant John Doe Employees 1-10, Plaintiff Ashley Burns has suffered potentially permanent physical injuries causing pain and suffering.

13. As a direct and proximate result of the aforesaid negligence committed by Defendant John Doe Employees 1-10, Plaintiff Ashley Burns has incurred medical expenses and will continue to incur expenses in an amount to be proven at trial.

14. As a direct and proximate result of the aforesaid negligence committed by Defendant John Doe Employees 1-10, Plaintiff Ashley Burns has sustained a loss of the enjoyment of her life and will continue to do so for the rest of her life.

15. As a direct and proximate result of the aforesaid negligence committed by Defendant John Doe Employees 1-10, Plaintiff Ashley Burns has suffered a loss of income and other economic damages in an amount to be proven at trial.

COUNT II
(Vicarious Liability)

16. Plaintiff Ashley Burns incorporates paragraphs 1 thru 15 as if fully rewritten herein.

17. Defendant Walmart is liable for the acts of Defendant John Doe Employees 1-10 because Defendant John Doe Employees 1-10 was acting within the course and scope of their employment with Defendant Walmart at the time of the incident, or because Defendants Walmart ratified the acts of Defendant John Doe Employees 1-10.

18. As a direct and proximate result of the negligent acts committed by Defendant John Doe Employees 1-10 within the course and scope of employment described herein, Defendant Walmart is vicariously liable for the aforesaid acts of its employees pursuant to the

doctrine of *Respondeat Superior*.

19. As a direct and proximate result of the negligence of Defendant Walmart and Defendant John Doe Employees 1-10 described herein, Plaintiff Ashley Burns has incurred medical expenses in excess and will continue to incur expenses in an amount to be proven at trial.

COUNT III
(Walmart Failure to Warn)

20. Plaintiff Ashley Burns incorporates paragraphs 1 through 19 as if fully rewritten herein.
21. At or about October 27, 2019, Plaintiff Ashley Burns was present as a business invitee at Walmart, located at 2322 Ferguson Road Cincinnati, Ohio 45238.
22. At or about that time, Plaintiff Ashley Burns walking in or near an aisle, where she slipped on a puddle on the floor, fell to the ground, and sustained injuries.
23. At or about that time, Defendant Walmart was negligent for allowing a hazardous condition to exist within their premises with no posted signage warning of the hazard.
24. As a direct and proximate result of the aforesaid negligence committed by Defendant Walmart, Plaintiff Ashley Burns has suffered potentially permanent physical injuries causing pain and suffering.
25. As a direct and proximate result of the aforesaid negligence committed by Defendant Walmart, Plaintiff Ashley Burns has incurred medical expenses and will continue to incur medical expenses in an amount to be proven at trial.
26. As a direct and proximate result of the aforesaid negligence committed by Defendant Walmart, Plaintiff Ashley Burns has sustained a loss of the enjoyment of her life and will continue to do so for the rest of her life.
27. As a direct and proximate result of the aforesaid negligence committed by Defendant Walmart, Plaintiff Ashley Burns has suffered a loss of income and other economic

damages in an amount to be proven at trial.

COUNT IV
(Wellcare Subrogation)

28. Plaintiff Ashley Burns incorporates paragraphs 1 through 27 as if fully rewritten herein.
29. Upon information and belief, Plaintiff Ashley Burns may have had medical assistance or received payments from Defendant Wellcare for care and treatment rendered due to injuries sustained in the aforementioned accident.
30. Defendant Wellcare is or may be subrogated to a portion of Plaintiff Ashley Burns's claim against Defendants and should be required to assert its interest or otherwise be forever barred from doing so.
31. Plaintiff Ashley Burns states that Defendant Wellcare may have an interest in this action and should assert its right of subrogation at this time or be forever barred from doing so.

WHEREFORE, Plaintiff Ashley Burns demands judgment against Defendants Walmart Inc. and John Does 1-10 (Employees) in an amount in excess of \$25,000.00, plus costs incurred herein and any other relief the court deems proper.

WHEREFORE, Plaintiff Ashley Burns demands Defendant Wellcare set forth their subrogation or forever be barred from the collection thereof.

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Respectfully submitted,

/s/ Joel A. Buckley

Joel A. Buckley (0099278)

David M. Jones (0091118)

Michael S. Kahan (0090864)

Kevin F. Teran (0097110)

Jones Kahan Law LLC

2321 Kemper Lane

Cincinnati, OH 45206

Jbuckley@jklawoffices.com

Djones@jklawoffices.com

Mkahan@jklawoffices.com

(513)-813-4000

(888)-447-1859

Attorneys for Plaintiff Ashley Burns

TO THE CLERK OF COURTS:

Please serve the foregoing documents upon Defendants, via certified mail, in accordance with the Ohio Rules of Civil Procedure, at the following addresses:

WALMART INC.

Serve: CT Corporation System

4400 Easton Commons Way, Suite 125

Columbus, OH 43219

and

WELLCARE HEALTH PLANS OF
KENTUCKY, INC.

Serve: Equian

26555 Evergreen Rd. STE 200

Southfield, MI 48076

/s/ **Joel A. Buckley**

Joel A. Buckley (0099278)

Attorney for Plaintiff Ashley Burns